

**November 2, 2006 Minutes of
Bigfork Land Use Advisory Committee
SPECIAL MEETING**

Members present: Phil Hanson, John Bourquin, Paul Guerrant, Clarice Ryan, Darrel Coverdell

Chairman Bourquin called the meeting to order at 4:03 PM, and called for adoption of the agenda. With no new items added to the agenda, agenda was adopted.

Minutes of the October 26, 2006 meeting were approved as mailed.

OLD BUSINESS:

Draft Bigfork Neighborhood Plan:

Chairman Bourquin noted public comment would be taken before and after each BLUAC workshop session. Oral comments will be 3 minutes in length and preferably backed up in writing. Written comments shall reference the Section number, Page number and paragraph of the Draft. Comments may be hand-written, in Word.doc format or email comments. Send written comments to:
Sue Hanson

BLUAC Secretary
220 Swan River Road
Bigfork, MT 59911
837-5323
btrfly@montanasky.net

Public Comment:

Bill Myers: Commended the committee on taking comments both before and after workshop sessions. Change happens, we don't have a crystal ball. We don't know what Bigfork will look like in 100 years, 20, 10 or even 5 years. Our worst nightmare in downtown Bigfork would be a big fire. We have survived fires at Mountain Lake Tavern and one I think at Sam's Place. Fire would radically change the town character, appearance and type of construction. Regarding signage (Page 37, P.11.9) being earth tone colors there are a lot of signs that have bright colors such as Art Fusion and the Bigfork Playhouse. As to preserves area character, Wink's condos most everyone likes the appearance. Regarding should/shall would encourage language such as encourage, suggest.

Elna Darrow: While Myers is correct about the signs, the recommendations of the present Bigfork Land Use Plan were not policed for compliance. Signs should be encouraged to be earth toned and smallish buildings should be encouraged to be consistent with the tone of the village. We have been lucky that downtown buildings have been in good taste. We can't count on this, so we need rules. As to shall/should, all we can require is good taste. She also noted that Kathy Robertson has said that "shall" has no place in the County growth policy. It is a policy, not a statute. She noted the Mountain Lake Tavern fire damaged her building but the insurance paid for the damage. We were lucky there was no wind the night of the fire.

Workshop:

Bourquin: Asked that the committee establish criteria for shall/should so we have consistency in decisions with the Draft.

Darrel Coverdell: Stated that issues regarding safety or anything such as access roads, crosswalks should be stated as shall.

Bourquin: Noted the words from MCA used by Kathy Robertson in her decisions in the use of shall were Public Health, Safety, Morals, Convenience, Order and General Welfare. Suggested the committee avoid the use of shall in subjective issues.

Guerrant: If the will of the people, as expressed in the Bigfork Survey, is strong enough then shall should be used. If the survey indicates strong opinions then I have to respect that. I was elected and feel I represent the people who elected me.

Coverdell: There are several places in the Draft that are not consistent on the same subject. We should be consistent throughout. We need to have definitions to clarify the meaning of Public Health, Safety, Morals, Convenience, Order and General Welfare. I would think safety issues would be easy to define, but would the definition of morals include adult bookstores? Would Convenience include roads, parking and access to main arteries? Order may be how things are planed or laid out.

Secretary Hanson: I will determine if the State has definitions for the words discussed.

Bourquin: We should determine the process for amending the Draft. How much emphasis is given to the Bigfork Survey and subsequent public comment?

Guerrant: I view the survey as comments from the public. The 26% of people responding to the survey is a powerful statement by the public.

Bourquin: Public comment may address something the plan has not. We need to listen closely for ideas or issues not addressed by the Draft.

Secretary Hanson: As to amending the Bigfork Growth Plan after adoption, the Flathead County draft has stated a two-year period before any amendments can be made. The State of Montana mandates a review of growth plans every five years.

Bourquin: BLUAC must have a 2/3 vote to amend the Bylaws.

Coverdell: Is there a time limit on acting on amendment proposals? The time limit may be a regulatory statute by the State of Montana.

Bourquin: Lets discuss logistics and coordination of the process moving forward.

After discussion, it was determined that there be a minimum of two public meetings for the presentation of the Draft for more public comment. After public comment is documented, the Draft, plus all comments, is forwarded to the Flathead County Planning Office and the Flathead County Planning Board for further public meetings on the process. Jeff Harris, at the last meeting, suggested the Flathead Planning Board might be interested in holding the public meetings in Bigfork rather than at Kalispell.

Two public meetings were tentatively scheduled for Saturday, December 9, 2006, 10:00 AM at Swan River Hall and either Tuesday or Wednesday, December 12 or 13, 2006, at Bethany Lutheran Church. Dates will be verified with Swan River Hall and Bethany Lutheran Church before public notice is given. It was suggested BLUAC ask the Bigfork Steering Committee if funds are available to buy advertising in addition to posted public notice and articles in the two newspapers. Advertising should be done no later than November 30, 2006.

BLUAC will provide a copy of any changes in the Draft to BSC weekly, as each section is considered in workshop sessions. Secretary Hanson will make a "working PDF" file with highlighted changes for comparison with the current Draft.

The format for public meetings was discussed and the following determined:

1. Use of a podium would be preferred for people making oral comments. Oral comments should be backed up by written comments by the following day. Oral comments are limited to 3 minutes per person. If comments cannot be completed in 3 minutes, the comments shall be presented in written form and summarized in the 3-minute time allotment.
2. Speakers will identify themselves by name and address and whether they live within the zoning district or outside the zoning district.
3. Comments by speakers outside the zoning district will be separated from those within the district.
4. Power Point presentation to address major issues.

5. . Written comments shall reference the Section number, Page number and paragraph of the Draft. Comments may be hand-written, in Word.doc format or email comments. Send written comments to:

Sue Hanson
BLUAC Secretary
220 Swan River Road
Bigfork, MT 59911
837-5323
btrfly@montanasky.net

Public Comment:

Elna Darrow: Good work!

Bill Myers: I'm disappointed that you think there will be few changes. The survey should not be relied on as "gospel". It is "biased" as admitted by the plan itself of pages 13 and 14. It does not address legal rights and property rights as spelled out in current zoning and law. I hope you anticipate that this document, as is, may be objected to. The question is are you here to pass on as is (i.e. what Paul said) or be willing to change to resolve problems before it goes up.

NEW BUSINESS:

None

Meeting was adjourned at 5:40 PM

Sue Hanson
BLUAC Secretary